

IN THE TITLE OF THE INVENTION:

Please delete the present Title of the Invention in its entirety, and substitute the following new Title of the Invention as follows:

-- LIQUID CRYSTAL DISPLAY DEVICE INCLUDING  
LIQUID CRYSTAL MATERIAL PREVENTING GENERATION OF VIEWING  
ANGLE DEPENDENT COLORATION OF AN IMAGE DISPLAYED --.

REMARKS

This application as amended previously included Claims 1-30. No claims have been amended and no claims have been cancelled in this Amendment. Accordingly, Claims 1-30 remain under active prosecution in this application.

In the currently outstanding Official Action, the Examiner has:

1. Acknowledged Applicants' claim of foreign priority under 35 USC 119(a)-(d), and confirmed the receipt by the United States Patent and Trademark Office of the required copies of the priority documents for this application.
2. Objected to the Title of the Invention as amended in the previous amendment in this application as still being not descriptive, and required Applicants to provide a new Title of the Invention that is clearly indicative of the invention to which the claims are directed.
3. Indicated that Claims 1-30 are provisionally rejected under the terms of 35 USC102 (e) "as being anticipated by copending Application Serial No. 08/996,956 that has a common with the instant application."

4. Indicated that Claims 1-30 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims of Application No. 08/996,956.
5. Indicated the remaining prior art made of record is considered pertinent to Applicants' disclosure, but is not relied upon in the rejection of any of Applicants' pending claims.

With regard to item 1, Applicants do not believe that any further substantive comment in these Remarks is required.

With regard to items 2 and 3, Applicants respectfully traverse the Examiner's provisional rejection of Claims 1-30 as being anticipated under 35 USC 102(e) by the claims presently allowed and set to issue in Application No. 08/996,956. Applicants also respectfully traverse the Examiner's provisional rejection of Claims 1-30 under the judicially created doctrine of obviousness-type double patenting as being obvious over the claims presently allowed and set to issue in Application No. 08/996,956. The bases for these traversals of the Examiner's provisional rejections are set forth below.

The Examiner is correct to the extent that Application No. 08/996,956 and the present application have at least one inventor in common and that they are owned by the same assignee. Consequently, under normal circumstances, the Examiner's provisional rejections might be proper. The circumstances of the present situation, however, are not normal.

Accordingly, it must be recognized that the priority application for U.S. Patent Application Serial No. 08/996,956 was filed on 24 December 1996 in Japan. The priority applications for the present application were filed on 25 December 1996 in Japan. However, both United States Patent Application No. 08/996,956 and the present application have a United States filing date of 23 December 1997.

Therefore, the Examiner's rejections are in error because 35 USC 102(e) is explicitly limited to patents issued on applications by another "**filed in the United States before the invention thereof by the applicant**". In the present situation, the United States invention date for the inventive entities of both USSN 08/996,956 and this application is 23 December 1997. Accordingly, USSN 08/996,956 cannot constitute 35 USC 102(e) prior art barring the present application. Copies of 35 USC 102(e) and section 2136.03 of the United States Manual of Patent Examining Procedure are enclosed as Exhibits A and B, respectively, in support of this position.

The Examiner also has recognized that the claims of this application are not exactly the same as those that have been allowed and are set to issue in U.S. Application Serial No. 08/996,956. Nevertheless, the Examiner has indicated a belief that such differences as there are between the claims of the two cases is obvious. Accordingly, he provisionally has rejected the claims of this application on the basis of obviousness-type double patenting. Applicants respectfully submit that this rejection cannot stand **because USSN 08/996,956 is not appropriate prior art against this application** for the reasons just stated. It is believed that MPEP Section 706.02(k), copy enclosed as Exhibit C, clearly supports this interpretation of the law.

Accordingly, the withdrawal of the Examiner's present provisional rejections of the claims of this application under 35 USC 102(e) and/or under the judicially created doctrine of obviousness-type double patenting in response to this communication are respectfully requested.

Finally, with regard to item 4, Applicants have reviewed the art cited, but not applied by the Examiner. Applicants agree with the Examiner's determination that none of this art adversely affects the patentability of any of the presently pending claims in this application. Further comment in these Remarks regarding the non-applied art cited by the Examiner, therefore, is not believed to be either required, or appropriate.

In view of the foregoing Amendment and Remarks, it is believed that all of the claims that will be present in this application upon the entry of the foregoing Amendment are in condition for allowance. Reconsideration and allowance of this application in response to this communication, therefore, is respectfully requested.

Applicants believe that additional fees are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

DIKE, BRONSTEIN, ROBERTS  
& CUSHMAN, LLP

Date: June 20, 2000

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